



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

Boston, MA 02109-3912

VIA EMAIL – READ RECEIPT REQUESTED

February 22, 2021

Scott W. Flood
Blue Water Fisheries, LLC
PO Box 159
Contoocook, New Hampshire 03229

RE: Application for Blue Water Fisheries – NH0001620

Dear Mr. Flood:

Your permit application has been reviewed and it has been determined that additional information is required to render your permit application complete.

FORM 1

Part 1.2.3 – As we understand, Blue Water Fisheries is a new manufacturing, commercial, mining, or silvicultural facility that has not yet commenced to discharge. You are required to check “Yes” and Complete Form 2D in addition to Form 2B (at Part 1.2.1).

Part 11.2 - NPDES applications must be signed by a certifying official in compliance with 40 CFR § 122.22. Please confirm that the signatory identified as “Member” meets the regulatory requirements for a certifying official. (Also applies to Form 2B Part 8.2 and Form 2D Part 10.2).

FORM 2D

You are required to submit Form 2D – New Manufacturing, Commercial, Mining, and Silvicultural Operations That Have Not Yet Commenced Discharge of Process Wastewater.

Within **30 Days** of receipt of this letter or by **March 26, 2021**, you are required to submit the above information to this office. Please be aware that failure or refusal to correct the deficiencies noted may result in the denial of your permit request. The application materials will inform EPA’s determination as to whether the proposed project is a “New Source” as defined at 40 CFR § 122.22 in accordance with federal regulations at 40 CFR § 122.21(l)(2). New Sources may be subject to additional

environmental review provisions under the National Environmental Policy Act (NEPA), 33 U.S.C. 4321 *et seq.*

In addition, materials submitted by Blue Water Fisheries to date indicate plans for a separate, land-based hatchery to support the offshore project. The application for Blue Water Fisheries does not, however, provide any information regarding a land-based hatchery. EPA views the land-based hatchery as a separate facility operating independent of the offshore system and expects that a second NPDES application may be required depending on your plans for the discharge of wastewater from this operation. Any application for the land-based facility should include NPDES Application Forms 1, 2B, and 2D. This second operation may also be subject to environmental review provisions under the National Environmental Policy Act (NEPA), 33 U.S.C. 4321 *et seq.*

Finally, you should be aware that, the proposed discharge may be required to meet the provisions of the Coastal Zone Management Act (CZMA), U.S.C. §1451 *et seq.*, and its implementing regulations. Where a project is subject to the CZMA, EPA cannot issue an NPDES permit for your facility until you submit a CZMA federal consistency certification that your activities will be consistent with the enforceable policies of the applicable State Coastal Programs and the Programs concur with your certification. See 15 C.F.R. § 930 *et seq.* and 40 C.F.R. §122.49(d). We encourage you to contact the New Hampshire Coastal Program, Massachusetts Coastal Program, and Maine Coastal Program for guidance on the application of the CZMA to this project. Additional information regarding New Hampshire's CZMA federal consistency process may be obtained from Christian Williams, Federal Consistency Program Coordinator and is available on-line at <https://www.des.nh.gov/water/coastal-waters/federal-consistency>. Additional information regarding Massachusetts' CZMA federal consistency process may be obtained from Robert Boeri, CZM Project Review Coordinator and is available on-line at <https://www.mass.gov/federal-consistency-review-program>. Additional information regarding Maine's CZMA federal consistency process may be obtained from Todd Burrows, Federal Consistency Program Coordinator and is available on-line at <https://www.maine.gov/dmr/mcp/index.htm>.

Upon receipt, EPA will review these materials and then notify you as to the status of your application. If you have any questions relative to this submittal, do not hesitate to contact Marian Spahn of my staff at (617)918-1732 or by email at Spahn.marian@epa.gov. Please note that all correspondence pertaining to this permit must be made through email. Corrections to your permit application submittal must be submitted to Marian Spahn's email as noted above.

Sincerely,

Damien F. Houlihan, Chief
Industrial Permits Section
Water Division